

No. 23-35518

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**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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PLANNED PARENTHOOD GREAT NORTHWEST, HAWAII, ALASKA, ET AL.,  
*Plaintiffs-Appellees,*

*v.*

RAÚL LABRADOR, ET AL.,  
*Defendant-Appellant,*

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On Appeal from the United States District Court  
for the District of Idaho

No. 1:23-cv-00142-BLW  
The Honorable B. Lynn Winmill

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**DECLARATION OF COUNSEL IN SUPPORT OF  
MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF**

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RAÚL R. LABRADOR  
*Attorney General*

JOSHUA N. TURNER  
*Acting Solicitor General*

Idaho Office of the Attorney General  
700 W. Jefferson St.  
Suite 210  
Boise, ID 83720  
(208) 334-2400  
josh.turner@ag.idaho.gov  
brian.church@ag.idaho.gov

BRIAN V. CHURCH  
*Deputy Attorney General*

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I, BRIAN V. CHURCH, declare as follows:

1. I am a Deputy Attorney General for the State of Idaho, and am an attorney of record in this matter. I make the following statements on my personal knowledge.

2. Appellant's reply brief is currently due Tuesday, October 17, 2023, which is 21 days after Appellees filed their answering brief. No extensions have previously been given in this matter.

3. Appellant requests a nine-day extension to file his reply brief.

4. The extension is necessary to accommodate recent staffing changes within the Office of the Attorney General, and a Ninth Circuit ordered response to an emergency motion in another matter. The now-former Solicitor General, Theodore J. Wold, left the Office on Friday, October 6. As a result, Mr. Turner, another attorney in this matter, has assumed the role as Acting Solicitor General and taken on additional responsibilities as a result of that transition. Additionally, on Friday, October 6, Lincoln Davis Wilson, former Division Chief of the Civil Litigation and Constitutional Defense Division, and an attorney in this matter, left the Office. And the undersigned was on a pre-planned vacation October 2-10, 2023. Additionally, counsel for Appellant were ordered by the Ninth Circuit on Saturday, September 30, 2023, to file a response to an emergency motion for en banc review of a decision by the morning of Wednesday, October 4, 2023, and so had to devote effort to that response. *See United States v. Idaho*, No. 23-35440 (consolidated with 23-35450). Additionally, Mr. Turner is arguing another matter before the Ninth Circuit on Monday, October 16.

5. Appellant has exercised diligence in preparing his reply and will file it no later than Thursday, October 26.

6. Appellant is not aware of any default by the court reporter regarding transcripts, as the parties have filed Excerpts of Record and Supplemental Excerpts of Record. *See* Dkts. 24-2 through 24-5, 35.

7. Appellant's counsel contacted Appellees' counsel, who have informed Appellant's counsel that they do *not* object to this request.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: October 10, 2023.

/s/ Brian V. Church  
BRIAN V. CHURCH  
Deputy Attorney General

## CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing/attached documents on this date with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the Appellate Electronic Filing system.

Description of Documents:

Declaration of Counsel in Support of Appellant's Motion for Extension of Time to File Reply Brief

/s/ Brian V. Church  
BRIAN V. CHURCH

October 10, 2023